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AO 91 (REV.5/85) Criminal Complaint

AUSA John Kness (312) 469-6042

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAGISTRATE JUDGE SCHENKIER

UNITED STATES OF AMERICA

FILED

CRIMINAL COMPLAINT

v.

JUL - 5 2011

CASE NUMBER:

11CR

459

KENNETH CONLEY

MICHAEL W. DOBBINS UNDER SEAL  
CLERK, U.S. DISTRICT COURT

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about May 13, 2011, at Homewood, in the Northern District of Illinois, Eastern Division, KENNETH CONLEY, defendant herein, did:

by intimidation, take from the person and presence of bank employees at MB Financial Bank, located at 2345 West 183rd Street, Homewood, Illinois, approximately \$3,969 in United States Currency belonging to and in the care, custody, management, and possession of MB Financial Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation;

in violation of Title 18, United States Code, Section 2113(a). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.



Signature of Complainant

BRIAN S. CLARK

Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

July 5, 2011

Date

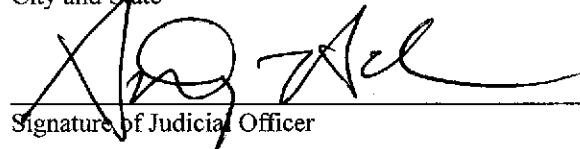
at

Chicago, Illinois

City and State

SIDNEY I. SCHENKIER, U.S. Magistrate Judge

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

UNITED STATES DISTRICT COURT            )  
  )       ss  
NORTHERN DISTRICT OF ILLINOIS        )

AFFIDAVIT

I, BRIAN S. CLARK, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for eight years. I am currently assigned to the FBI Chicago Field Office, South Resident Agency ("SRA") Violent Crimes Squad ("VCS"). I have been on the VCS for approximately five years. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, and the apprehension of violent fugitives.

2. This affidavit is submitted in support of a criminal complaint alleging that Kenneth CONLEY has violated Title 18, United States Code, Section 2113(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CONLEY with bank robbery, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, and interviews of various witnesses.

## **FACTS ESTABLISHING PROBABLE CAUSE**

### **Robbery of MB Financial Bank on May 13, 2011**

4. At around 1:16 p.m. on or about May 13, 2011, a subject approached the MB Financial Bank branch (the "Bank") located inside Walt's Grocery Store ("Walt's") at 2345 West 183rd Street, Homewood, Illinois. According to a Bank employee ("Teller A"), and as depicted in surveillance photographs taken by the Bank's surveillance system, the subject was a Caucasian male in his mid-30s who stood approximately 6'2"-6'3" tall, weighed approximately 190 pounds, and had thinning blond hair. The subject wore a black suit, white shirt, silver/white tie, and glasses. In addition, Teller A stated that the subject was wearing what appeared to be a clear plastic radio listening device in his ear.

5. According to a Bank employee ("Teller A"), the subject entered Walt's and stood in front of the teller counter as Teller A was helping other customers. At times, the subject also walked back and forth in front of the counter. The subject then approached Teller A and asked Teller A questions about a mortgage. Teller A, however, told the subject there were no lenders at that particular Bank branch. The subject told Teller A that he had been sent to the Bank by Teller B, who was a teller at another MB Financial Bank branch. Teller A attempted to call Teller B by telephone but was unsuccessful. The subject then told Teller A that the individual had shopping to do and would return later to the Bank.

6. According to Teller A, the subject returned to the Bank counter approximately 5-7 minutes later. The subject began yelling at Teller A that the subject had lost \$25,000,

his house, wife and two kids. Teller A discussed having the subject speak with a lender and offered the subject a loan application. The subject then showed Teller A the butt of a black pistol that the subject had in the waistband of his pants. The subject told Teller A not to touch the counter with Teller A's right hand. The subject also told Teller A to open the teller drawer with Teller A's left hand, to take the money out, and to give the money to the subject. When Teller A asked the robber what Teller A should do with the money, the robber told Teller A words to the effect of, "Just hand it to me." The robber also told Teller A words to the effect that the robber had "six bullets in the gun. If you don't give it to me I will put them in your head." Teller A then handed the robber approximately \$3,969 in United States currency that Teller A had taken from the teller drawer.

7. After taking the money, the robber put the money in his pocket and walked away from the teller counter toward the front door of Walt's. Based on my review of surveillance video, the robber exited Walt's and fled on foot through the Walt's parking lot. In addition, according to an employee of Walt's ("Witness A"), the robber walked from the area of the Bank to the Walt's exit. Witness A described the robber as a Caucasian male, approximately 6'3" tall, approximately 200 pounds, around 40 years old, and wearing a black suit, black shoes, a white shirt, and a dark tie.

8. An audit performed by the Bank immediately following the robbery (the "May 13 Robbery") revealed that the robber took a total of \$3,969 from the Bank. At the time of

the May 13 Robbery, the deposits of the Bank were insured by the Federal Deposit Insurance Corporation ("FDIC").

### **Investigation of the May 13 Robbery**

#### ***Information from Surveillance Video***

9. Following the robbery, investigators from the Homewood Police Department ("HPD") and the FBI responded to the Bank and conducted interviews of victims and other witnesses. Law enforcement agents also collected physical evidence and reviewed the Bank's surveillance video.

10. Both the Bank and Walt's had operating video surveillance systems during the May 13 Robbery. Images of the robber were captured by both video surveillance systems, and employees of the Bank provided still photographs from the Bank's video surveillance system to law enforcement agents. I have reviewed the photographs from the video surveillance systems. Those photographs show that the robber was a Caucasian male who wore a black suit with an attached white tag, a white shirt, a silver/white tie, and glasses.

#### ***Witness Identifications of CONLEY and Recovery of Matching Clothing***

11. On or about May 19, 2011, CONLEY was arrested by the Chicago Heights Police Department ("CHPD") following a complaint that CONLEY was pointing a gun at another individual while driving a gold Land Rover. According to information provided to me by HPD officers, CHPD officers recovered a black Powerline BB gun during a search of the Land Rover that CONLEY had been driving at the time of his arrest. After reviewing

surveillance photographs of the May 13 Robbery that had been provided to area law enforcement agencies by HPD and FBI, CHPD officers contacted HPD officers and informed them that CONLEY resembled the subject in the May 13 Robbery photographs. CHPD officers also told HPD that at least one suit was in the Land Rover at the time of CONLEY's arrest.

12. On or about May 25, 2011, HPD detectives showed Teller A a photographic line-up of six Caucasian males. Teller A positively identified CONLEY as the person who committed the May 13 Robbery. Also on or about May 25, 2011, HPD detectives showed Witness A the same photographic line-up of six Caucasian males. Witness A also positively identified CONLEY as the subject who committed the May 13 Robbery.

13. Following CONLEY's arrest on or about May 19, 2011, CHPD officers impounded the Land Rover vehicle that CONLEY had been driving at the time of his arrest. On or about May 23, 2011, CHPD officers released the Land Rover to its registered owner, Individual A. On or about May 25, 2011, law enforcement agents obtained consent from Individual A to search the Land Rover. During the search, agents recovered certain articles of clothing, including a black men's sports coat, size 46; a white men's collared dress shirt; a silver and black necktie; wire-framed Foster Grant eyeglasses; and two white identification badges on a clip. According to Individual A, the Land Rover is titled in the name of Individual A but CONLEY was the primary user of the vehicle.

***Information Concerning CONLEY's Whereabouts on May 13, 2011***

14. On or about May 25, 2011, law enforcement agents interviewed CONLEY. During that consensual interview, CONLEY denied robbing the bank. CONLEY also stated that he worked at Club 390 in Chicago Heights, Illinois as a floor host every week between Wednesday through Sunday from 7:00 p.m. until 4:00 a.m. CONLEY stated that the last day he worked was on Tuesday of the previous week (*i.e.*, May 17, 2011).

15. On or about June 3, 2011, law enforcement agents interviewed Individual B, an owner of Club 390. Individual B stated that May 8, 2011, was the last day CONLEY worked at Club 390. CONLEY was scheduled to work at 12:00 p.m. on May 13, 2011, but CONLEY did not show up to work at that time.

16. On or about June 3, 2011, law enforcement agents interviewed Individual C, a manager at Club 390. Individual C stated that s/he was working at Club 390 on May 13, 2011, and that CONLEY was scheduled to work that day at 12:00 p.m. Individual C further stated that Individual C had written a note concerning CONLEY on the Club 390 work schedule with words to the effect of: "Ken Connelly was scheduled to work on 5/13/11, but failed to show up for his shift at noon. He [CONLEY] came in between the hours of 1 pm and 3 pm to pay [Individual D, another Club 390 employee] the remainder of a loan he owed. He stayed approx. 20 to 30 minutes then left. He stated he had a flight to Bermuda the following day."<sup>1</sup> Individual C stated that it was more likely sometime between 2 p.m. and

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<sup>1</sup> In a subsequent interview on or about July 5, 2011, Individual C stated that Individual C wrote the foregoing note on or about June 1, 2011.

3 p.m. that CONLEY arrived at Club 390. CONLEY gave Individual C \$500 in cash as repayment of a loan from Individual D, and according to Individual C, CONLEY appeared to have additional cash with him. Individual C stated that it was unusual for CONLEY to possess that large of an amount of currency. Law enforcement agents also showed Individual C photographs of the black suit coat, white shirt, and silver tie that were recovered from the Range Rover that CONLEY was driving at the time of his arrest. Individual C stated that CONLEY was wearing those clothes when he entered Club 390 on May 13, 2011.

17. During a subsequent interview, law enforcement agents asked Individual C whether CONLEY had ever been issued an ear piece for a radio. Individual C responded that CONLEY had been issued a radio and an ear piece and returned both items to Individual C on or about May 13, 2011. Individual C further described the radio ear piece as a clear, plastic hose piece that was connected to the radio by black wires.

18. Based on a Google map search that I conducted, the Bank is a driving distance of approximately 3.3 miles from Club 390.

### **CONCLUSION**

19. Based upon the foregoing, I respectfully submit that there is probable cause to believe that, on or about May 13, 2011, Kenneth CONLEY did, by intimidation, take from the person and the presence of bank employees approximately \$3,969 in United States currency belonging to and in the care, custody, control, management, and possession of MB Financial Bank, 2345 West 183rd Street, Homewood, Illinois, the deposits of which were



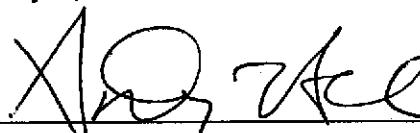
then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

FURTHER AFFLIANT SAYETH NOT.



BRIAN S. CLARK  
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on July 5, 2011.



SIDNEY I. SCHENKIER  
United States Magistrate Judge